

The Alleghany County Board of Commissioners met in regular session on Monday, November 3, 2008, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Warren Taylor, Commissioner Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order.

Commissioner Doug Murphy led the Pledge of Allegiance and opened the meeting with a prayer.

Commissioner Milly Richardson made a motion to approve the agenda for this November 3, 2008, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

AGENDA  
Monday, November 3, 2008  
6:30 PM

- 6:30 Meeting Called To Order  
Pledge of Allegiance and Prayer  
Motion on Agenda for November 3, 2008, meeting  
Motion on Minutes for October 20, 2008, meeting
- 6:35 A. Public Comments—30 minutes  
B. Public Hearing  
RE: 911 Road Names  
C. Public Hearing  
RE: Subdivision Ordinance Change  
D. Mary Walker/Rita Miller  
RE: Charlie Long's Appeal
- 7:00 E. NCDOT Secondary Road Public Hearing  
F. Alleghany Connections Annual Report  
G. Linda Edwards/Carl Moss/Eugene Pruitt  
RE: EMS Personnel Request  
H. Kathy Murphy  
RE: Buck Ridge Final Plat  
I. Chris Costner  
RE: FY 2007/2008 Audit Report  
J. County Business  
1. Planning Board Appointment  
2. Planning Organization Discussion  
3. Transfer Facility Budget Amendment  
4. Other Business  
5. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the October 20, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Chair Ken Richardson opened the public comments' portion of the meeting and asked for public comments.

Paul Reeves came before the Board to discuss the needed subdivision ordinance changes. He talked about talking with Planning Board members and thinks the County should junk the ordinance and start over.

Chair Ken Richardson asked for additional public comments. None were received. He closed the public comments portion of the meeting.

Wendy Williams, E-911 Coordinator/Mapper, came before the Board to present two new road names, Joe Place Ridge and Papaws Way. She explained each road's

location.

Chair Ken Richardson opened the public hearing regarding the 911 road names at 6:34pm.

Chair Ken Richardson asked for public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:35pm and reconvened the regular meeting.

Commissioner Warren Taylor and Wendy Williams discussed the road name of Joe Place Ridge.

Commissioner Milly Richardson made a motion to approve the road names as presented by the E-911 Coordinator/Mapper. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams discussed the proposed complete subdivision ordinance, changes already discussed and changes received by the County Attorney. He explained that the changes are adding a definition and adding an interpretation.

County Attorney Donna Shumate explained her recommended changes from the proposed changes presented two weeks ago.

Kathy Murphy, Planner, explained her proposed changes and the intent of the subdivision ordinance.

Commissioner Warren Taylor and Kathy Murphy discussed the County Attorney's recommendations and her original proposed changes.

County Manager Don Adams gave examples of the proposed changes.

Chair Ken Richardson declared a public hearing open at 6:45pm regarding the subdivision ordinance change. He asked for public comments.

Charles Perry explained his situation where he is trying to get his driveway and his gas tanks on his property. He talked about most of the lots in this subdivision are less than  $\frac{3}{4}$  acre. He further talked about he has been working on this for three years.

Chair Ken Richardson asked for further public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:48pm and reconvened the regular meeting.

Commissioner Milly Richardson made a motion to approve the ordinance. Commissioner Doug Murphy seconded the motion.

County Manager Don Adams asked for clarification about which version the Board is adopting.

Commissioner Milly Richardson talked about her reason for going with Kathy Murphy's recommendation.

Kathy Murphy readdressed the County Attorney's recommendations.

County Attorney Donna Shumate stated that if #3 from the Planner's recommendations is left in there then Mr. Perry cannot do what he is trying to do.

Kathy Murphy explained how Mr. Perry's situation would be resolved.

Commissioner Warren Taylor and Kathy Murphy talked about non-built upon lots and lot size.

County Manager Don Adams explained that #3 was actually questioned by the

Planning Board when this was presented to them. He used an example. He talked about the County Attorney's other recommended change. He used an example for this recommendation.

Commissioner Warren Taylor stated that he thinks the Board needs to delete #3.

Commissioner Milly Richardson amended her motion to approve the ordinance with the County Attorney's recommendations.

County Attorney Donna Shumate and Commissioner Doug Murphy talked about non-confirming lots.

Kathy Murphy talked about the original intent of the ordinance being that all lots are  $\frac{3}{4}$  acre.

County Attorney Donna Shumate used an example of non-confirming lots. She talked about these changes are for the exchange of property lines.

Commissioner Doug Murphy seconded the amended motion. Vote 5:0.

Mary Walker, Tax Administrator, and Rita Miller, Assistant Tax Administrator, came before the Board about Charlie Long's tax appeal. She reviewed the information that she provided. She reviewed Mr. Long's appeal that was submitted at the last meeting. She reiterated that Mr. Long sold the power line portion of his property. She reviewed Mr. Long's property record card. She stated that their discussions centered on the value of the property. She further stated that she doesn't think any adjustments can be made because the power line property is no longer his. She talked about his elderly exemption that he was not eligible for any more.

Commissioner Warren Taylor and Mary Walker talked about the elderly exemption amount. She talked about he may qualify for the circuit-breaker exemption. She continued reviewing the packet of information. She reiterated that she cannot recommend any changes.

Commissioner Doug Murphy and Rita Miller discussed how topography can come into play but doesn't in this case.

Commissioner Warren Taylor and Rita Miller discussed acreage values.

Chair Ken Richardson and Rita Miller discussed the ponds were also sold.

Commissioner Warren Taylor made a motion to deny the appeal. Commissioner Randy Miller seconded the motion. Vote 4:1 (Milly Richardson).

Chair Ken Richardson recessed the regular meeting and opened the NCDOT Secondary Road Public Hearing.

Scott Gallman, County Maintenance Engineer, came before the Board to discuss the 2008/2009 Secondary Road Program. He introduced NCDOT staff present for this meeting; Bonnie Sapp, Brandon Whitaker, Jimmy Church, Carolyn Hudson and Teresa Woodel. He reviewed the secondary road program including the priority system using the point system. He reviewed the 2008/2009 program in the amount of \$1,814,364.63 including the roads locked into the system, paving alternates, paved and unpaved road improvements, contingencies. He commented that the program is subject to Availability of Funding, Right-of-Way, and Environmental Review, proposed Funding Allocations are only projections, should the actual allocations be greater, NCDOT will continue down the priority list to fund additional secondary road projects, when secondary roads cannot be paved due to inability to obtain right of way, NCDOT will continue down the priority list to fund additional secondary road projects. He asked for questions from the Board of Commissioners.

Scott Gallman and Chair Ken Richardson talked about the point system and the top 10 are frozen. They further talked about the new ranking will be in place by March 2009.

Scott Gallman asked for comments from the public who has already signed in.

Bob Richardson asked about Spicer Mountain Road and getting the road off the frozen list and using a situation like the road near Steve Joines.

Scott Gallman asked Mr. Richardson to get with Brandon Whitaker about this request.

County Manager Don Adams and Brandon Whitaker talked about they are on the hold-list program. They further talked about how to proceed with hold-list roads.

Barbara Conrad talked about Ward Road 1354. She asked about the road number changing to 1348. She talked about her deeds refer to the road numbers and the need for them to be correct.

Scott Gallman and Barbara Conrad discussed that she needs to talk to the local E-911 department. She talked about contacting the local office, and it has been like that for a while.

Scott Gallman asked if anyone else had any questions about the secondary road program. None one spoke. He reviewed the options available for the Commissioners.

Commissioner Milly Richardson made a motion to concur with the secondary road program. Commissioner Randy Miller seconded the motion. Vote 5:0.

Leann Joines with Alleghany Connections came before the Board to present their annual report. She reviewed the program being a mentoring program in the county for the youth. She talked about they rely heavily on fundraising and private donations. She reviewed the number of youth served during the past year, activities, number of volunteer hours and the number of trainings. She talked about the money supplied from the County goes to the general liability insurance that is required by the State. She explained what the insurance covers.

Commissioner Milly Richardson stated that it sounds like you do an excellent job.

Linda Edwards/Carl Moss/Eugene Pruitt with EMS came before the Board to discuss a personnel request. Linda Edwards talked about having a paramedic retire at the end of August, already advertised twice and the required paramedic skill level. She further talked about her conversations with the County Manager, who did a survey in the surrounding counties. She further talked about the retention rate for EMS. She talked about trying to compete for paramedics with other counties. She talked about five paramedics who live in the county that work elsewhere. She stated that it costs \$3,000 per month to cover the vacant position.

Carl Moss talked about his responsibility along with Eugene Pruitt and Rex Tolliver as shift supervisors. He further talked about the problem with the shortage of paramedics. He explained that they have interviewed several applicants and have been unable to fill the position. He talked about not being able to compete with larger counties. He further talked about a couple of things from the survey that could help attract paramedics; allow the transfer of sick leave and raising the starting salary. He talked about addressing this situation with the transfer of sick leave and at some point address the starting salary.

Chair Ken Richardson and County Manager Don Adams discussed pay higher than starting wage for experience. The County Manager further discussed there is no set policy on this matter.

Chair Ken Richardson explained that the Board has directed the County Manager to present information to the Board to address some of these issues.

County Manager Don Adams explained the sick leave transfer and how it could

impact Alleghany County. He further explained vacation leave/comp time and how it would impact Alleghany County. He talked about sick leave is applied towards retirement or when a person is sick. He used an example of a person with several years of experience would lose their accumulated time. He said he would have to get a legal opinion about setting a maximum rate.

Commissioner Warren Taylor and County Manager Don Adams discussed the retirement process in relation to sick leave. They further discussed the only impact to the County is if an employee is sick. They discussed this would be a County-wide policy, not just EMS.

Commissioner Doug Murphy asked if this is a big stumbling block.

Carl Moss answered yes it is part of it.

County Manager Don Adams stated that he can give a recommendation once he knows where the Commissioners want to go with this. He talked about holiday pay that other counties doesn't offer and looking at starting pay with the holiday pay being probably around \$2,000-\$3,000 difference.

Commissioner Doug Murphy talked about addressing one issue at a time.

Commissioner Randy Miller explained that starting pay will be a discussion for the upcoming budget.

Chair Ken Richardson stated that it seems to be a consensus that the sick leave will be supported. He talked about bringing the applicant to the Board if they have paramedic experience for the salary to be discussed by the Board. He further talked about at the next meeting; the Board will address the sick leave policy and is not changing the starting salary but addressing experience levels.

Commissioner Doug Murphy and Eugene Pruitt discussed getting younger people interested through the training program.

Carl Moss talked about the five paramedics that live here but work elsewhere, and how they know the roads here.

Commissioner Milly Richardson talked about bringing young talent into the program.

Chair Ken Richardson explained that the Commissioners are agreeable to address the sick leave policy and the Commissioners are willing to look at experience for this one position and the issues that the subcommittee has been working on for next year.

Kathy Murphy presented a final plat for Buck Ridge. She explained the subdivision plat shows a 96.994 acre tract of land located in the Piney Creek Township being divided into 90 lots ranging from 0.764 to 1.551 acres. She further explained the roads in the proposed subdivision and how the lots are accessed. She said that there is a common area of 3.70 acres, walking/golf cart path on lots 14 and 15, and utility easements. She stated that she has completed her review along with a field visit and recommends final plat approval.

Commissioner Randy Miller made a motion to approve the plat. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Chair Ken Richardson declared a five-minute recess at 7:55pm.

Chris Costner with Martin Starnes & Associates presented a PowerPoint presentation regarding the 2007/08 audit showing the County's financial status as of June 30, 2008.

County Manager Don Adams talked about a revenue-neutral tax rate. He reviewed the local option sales tax and other revenues. He quickly reviewed the audit's

layout.

Commissioner Milly Richardson and Commissioner Doug Murphy thanked the County Manager for his projections.

The Board thanked Mr. Costner for his presentation and Joy Hines for her work on the audit.

County Manager Don Adams discussed the Planning Board appointment of Betty Stewart that was presented to the Planning Board. He explained that Michelle Bedsaul rents from her asked if it is a conflict of interest.

County Attorney Donna Shumate talked about laws that would protect their landlord/renter issue. She stated that she doesn't see this as a conflict of interest.

County Manager Don Adams explained that Ms. Stewart has handed the direct management of the mobile home park to her manager so she won't have direct contact with the tenants.

County Manager Don Adams stated that he is recommending scheduling a separate meeting to take issues up before they go to the courts. He talked about putting procedures in place to not have to take care of this many at one time again.

Chair Ken Richardson and County Manager Don Adams talked about the first meeting being separate and the time length needed for the meeting.

Commissioner Doug Murphy suggested a special meeting.

Chair Ken Richardson talked about letting the new Board decide these cases.

County Manager Don Adams stated that he will put it on the next agenda.

County Manager Don Adams presented budget amendment Transfer Facility #3 in the amount of \$43,633 for the scales. He explained the positive cash flow at the Transfer Facility, looking at last year's audited numbers and this year's projections; there is enough money in the Transfer Facility to purchase these and the loader without borrowing the money.

Commissioner Milly Richardson and County Manager Don Adams discussed the timing for pouring the concrete.

County Manager Don Adams discussed a letter from Ed Woltz. He reminded the Board that Donna Shumate has a conflict of interest; the Board allowed him to hire an outside attorney to provide an opinion whether a company has vested rights or not regarding the County's the Property Rights Protection Ordinance and the High Impact Land Uses/Polluting Industries Ordinance. He talked about they provided a tremendous amount of information showing that they have vested rights. He further talked about all of the information was presented to Ed Woltz. He stated that Mr. Woltz's opinion on both of these ordinances is that the business is nonconforming, and they have vested rights. He talked about the 180-day clause in the Property Rights Protection Ordinance. He gave an opinion since they already had their State permits that the company was functional during that 180-day gap. He said that Mr. Woltz is on standby if the Board wants to talk to him. He talked about questions from citizens since they have not operated in years. He reiterated that they have maintained their State permits. He said that they are a corporation and provided tax returns for several years. He talked about the information supplied by the company. He talked about they can prove they have been in business and maintained their State permits.

Commissioner Milly Richardson stated that they were able to operate if they wanted to.

Commissioner Doug Murphy and County Manager Don Adams discussed the vested rights issue.

County Manager Don Adams discussed the company's activities versus a change of use. He explained that some functions are there.

Commissioner Warren Taylor stated that the Board has Mr. Woltz's opinion letter and if the Board decides to go against the opinion, then the Board is going against advice by legal counsel.

County Manager Don Adams discussed he has the legal advice and has nothing to stop the permit.

Commissioner Randy Miller talked about costing more if the Board goes against the legal opinion because the company could come back to the County and want damages for the waiting time. Commissioner Warren Taylor agreed.

County Manager Don Adams talked about an upcoming DOT contract that the company wants to bid on and the timing on the bid.

Chair Ken Richardson stated that there is nothing to stop the County from issuing the permit.

County Manager Don Adams reiterated the legal opinion.

Commissioner Warren Taylor stated that he doesn't see how this Board needs to take any action.

Chair Ken Richardson asked if anyone has any problems with the County Manager exercising his authority on this matter.

Commissioner Doug Murphy mentioned that the County Manager was recognized recently for receiving the Outstanding Rural Leadership Award through the Rural Center.

Commissioner Randy Miller reminded everyone to not forget to vote tomorrow.

Being no further business, Commissioner Randy Miller made a motion to adjourn at 8:53pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman